

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GARDENDANCE, INC.,)
)
Plaintiff,)
)
v.) 1:04CV00010
)
WOODSTOCK COPPERWORKS, LTD. and)
THE ROYAL GARDENS OF CHARLOTTE,)
INC.,)
)
Defendants.)

ORDER AND JUDGMENT

OSTEEN, District Judge

For the reasons stated in the Memorandum Opinion filed this same day,

IT IS ORDERED that the Order & Recommendation of United States Magistrate Judge [109] is hereby affirmed.

IT IS FURTHER ORDERED that Woodstock Copperworks, Ltd.'s Motion for Sanctions [70-1] is GRANTED. Defendant Woodstock Copperworks, Ltd. may submit an application for an award of costs and expenses related to the second set of aborted depositions no later than September 8, 2005.

IT IS FURTHER ORDERED that Woodstock Copperworks, Ltd.'s Motion for Civil Contempt [77] is GRANTED

IT IS FURTHER ORDERED AND ADJUDGED that Todd Wolgamuth's Motion to Dismiss [80] is GRANTED.

IT IS FURTHER ORDERED that Woodstock Copperworks, Ltd.'s Partial Motion to Dismiss [83] is GRANTED.

IT IS FURTHER ORDERED that Defendant's Motion to Strike – or in the Alternative – Motion for Leave to File Sur Reply in Opposition to Gardendance, Inc., Lisa Jordy and Mark Donley's Supplemental Specific Objections to the Magistrate's Findings and Recommendations [138] is DENIED AS MOOT.

IT IS FURTHER ORDERED AND ADJUDGED that, as a sanction for Plaintiff Gardendance, Inc.'s conduct in this litigation, all of its claims are hereby DISMISSED WITH PREJUDICE.

This the 18th day of August 2005.



United States District Judge